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APPROVED:

*February 27, 1989*

ATTEST:

*A. M. Conkle*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting 07-89

February 13, 1989

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, Rockville, Maryland, on Monday, February 13, 1989 at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember Stephen N. Abrams

Councilmember James F. Coyle

Councilmember Viola Hovsepian

Councilmember David Robbins

The Mayor in the Chair.

In attendance: City Manager Bruce Romer, City Attorney Paul T. Glasgow and Assistant to the City Manager Cheryl Lampkin.

Re: City Manager's Report

City Manager Bruce Romer reported the following:

1. The staff has been preparing the FY90 budget. Presently, Mr. Romer is reviewing each department's budget proposal.
2. The new travel and business meals policy will be issued in the very near future.
3. The City is close to issuing a new vendor handbook which will, among other things, improve the City's relationship with the business community.
4. A Work Session on the Rockville Pike Plan has been scheduled for February 21, 1989.
5. City Hall will be closed on February 20, 1989 for the Presidents' Day holiday.

6. A resolution concerning Project Open Space will be presented to the Mayor and Council further in the Agenda.

7. The positions of Police Chief and City Clerk have been filled and information regarding the appointments will appear in the next Rockville Reports.

Re: Recognition of Margaret Gearin's  
service to the City of Rockville.

In recognizing Margaret Gearin's service to the City since March, 1988, the Mayor and Council presented her with several City mementos, including a framed replica of the mural in City Hall and an engraved pewter mug. Ms. Gearin resigned the position of City Clerk, effective February 8th, citing personal reasons.

Re: Presentation of Certificates to  
Rockville High School Boys Soccer  
team, and Richard Montgomery High  
School Girls Field Hockey team for  
achievements in fall sports program.

The Rockville Rams won the Maryland Class AA Soccer championships, and the RMHS Rockets were runner-up in the State Field Hockey tournament. Certificates for all team members and a school plaque were presented.

Re: Citizens' Forum

Mayor Duncan opened the meeting to any citizen who wished to address the Mayor and Council.

1. Bryant Kinch, Kiwanis Club Foundation President, presented a check for \$400 from the Holiday Charity Tree fund drive for the Youth Scholarship Fund. Mayor Duncan noted that the holiday tree in Courthouse Square has been decorated for the past two years with ornaments purchased by citizens to support the charity. John Tyner and Don Biscoe were also present representing the Rockville Kiwanis Club.

2. Dick Knorpp, Rockville Sister City, Inc., reported on his visit to Pinneberg. He noted that Jan Nevermann, President of the City Council and Dr. Hartmut

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Nolte, President of the German-American Friendship Society, asked that official greetings be passed to the Mayor and Council and to invite them and city residents to Pinneberg. Mayor Duncan noted that Pinneberg would be invited to send representatives to the Hometown Holidays/Memorial Day weekend in May.

3. John Tyner, President of the Twinbrook Citizens Association, invited the Mayor and Council and citizens to TCA's March 1st meeting at 7:30 p.m. in the Twinbrook Library when Safeway officials will present their master plan for doubling the size of the store.

4. Gino Valenti, Community Ministries of Rockville representative from St. Elizabeth's, discussed several items:

The Second Annual Thanksgiving in February, will be held on February 21st, in cooperation with the Montgomery County restaurant association. Ten percent of the evening's gross receipts will be contributed to programs for the hungry. The following eight Rockville area restaurants are participating:

Gatwick's	254 N. Washington Street
Harlequin Dinner Theater	1330 E. Gude Drive
Hofberg's	Sheraton Potomac 3 Research Court
Hunan Potomac	350 Fortune Terrace
James III Restaurant	1200 Old Georgetown Road
Misty Harbor Seafood	1776 E. Jefferson Street
Phineas	1580 Rockville Pike
Sun Spot Cafe	6011 Executive Blvd.

Mr. Valenti expressed his appreciation for the opportunity to attend Mayor and Council meetings during Mansfield Kaseman's sabbatical. The exchange between the citizens and the city council and staff is something to behold. He has passed on to the CMR council that he was impressed by the even handed manner of treating concerns

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of citizens, and encouraging participation of younger generation. He cited achievements such as the Polinger program on moderated rent increases for senior residents as an example of the Mayor and Council's efforts for all citizens. Mr. Valenti urged due consideration to Community Development and Community Services department's budgets for FY1990.

There is an interim report by a state commission examining the Maryland tax structure that pits Baltimore City against Montgomery County and Rockville for state tax dollars. The report creates concerns about fair and equal treatment for Montgomery County taxpayers.

Councilmember Coyle noted that more Rockville organizations should have regular representation at Mayor and Council meetings and hoped Mr. Valenti's appearance would serve as an example to them.

5. Don Biscoe, Rockville Kiwanis Club, invited the Mayor and Council to attend the Annual Pancake Breakfast Saturday, April 1st, 6 a.m. - 1 p.m. at Montgomery College, Rockville campus. Funds raised will support families in need in the City.

Re: Appointments

Councilmember Hovsepian moved, and the motion was seconded by Councilmember Robbins, to appoint Yolande Langbehn and Nina Weisbroth to the Planning Commission; Councilmember Abrams requested separate votes on the appointments.

Regarding the appointment of Yolande Langbehn, Councilmember Coyle noted that Ms. Langbehn's experience, especially as the former chair of the Board of Appeals, as particularly worthy of appointment. Stating his preference for the reappointment of Dick Arkin, Councilmember Abrams abstained. The appointment was approved 4-0-1.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, Nina Weisbroth was appointed to the Planning Commission.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, J.

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Bryan Blundell was appointed chairman of the Historic District Commission.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Judy Greenberg was reappointed to the Cultural Arts Commission.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Leo Stein was appointed to the Sign Review Board.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, Robert Fogel was appointed to the Traffic & Transportation Commission.

Re: Approval of Minutes

On motion of Councilmember Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 41-88 (November 14, 1988) were approved as amended.

On motion of Councilmember Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 42-88 (November 21, 1988) were approved as amended.

On motion of Councilmember Robbins and duly seconded, the minutes of Meeting No. 43-88 (November 28, 1988) were approved as amended by a vote of 4/0. Councilmember Abrams abstained from voting since he was on travel leave and therefore was not present at the November 28th meeting.

On motion of Councilmember Abrams and duly seconded, the minutes of Meeting No. 44-88 (December 12, 1988) were approved as amended by a vote of 4/0. Councilmember Robbins abstained from voting since he was on travel leave and therefore was not present at the December 12th meeting.

On motion of Councilmember Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 45-88 (December 19, 1988) were approved as amended.

On motion of Councilmember Abrams, duly seconded and unanimously passed, the minutes of Meeting No. 02-89 (January 17, 1989) were approved as amended.

Re: Presentation by Transportation Action Partnership (TAP) on current activities and future projects; Lori Diggins, Executive Director.

Ms. Diggins welcomed the City as a member of the organization, previously called the North Bethesda Transportation Management Association. Expansion of areas of concern into Rockville Pike is facilitated by the City's membership and made a name change necessary.

TAP links local government and private industry to improve the transportation situation in Bethesda and Rockville. Currently, there are twenty-two members, including three public sector members and nineteen private sector members. Among the private sector members are IBM, Martin Marrietta, NRC, and the Artery Corporation.

TAP has both short-term and long-term goals. Short term transportation management techniques include ridesharing, public transportation and flex time to allow the existing transportation system to be more effective. The long term goal is to provide a forum for private industry and local government to work together to improve transportation in the area.

The TAP newsletter is to advise the public and members of the progress being made and promote existing transportation services. A key interest is in publishing a directory of transportation resources and a how-to manual for setting up ridesharing programs or flex time programs.

TAP has created a technical resource service to assist members in developing and implementing transportation programs in their own companies. TAP is starting to use this service in Rockville where the partnership is working with the Planning staff to develop a UMTA grant to identify special transportation needs, assess the needs and develop a business plan to implement the services. This effort will help to gain valuable insight into the transportation needs of the area and develop programs to make

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services and programs available to people living here. Ken Orski is an advisor working with TAP on some items and attends most meetings.

In response to a question from Councilmember Coyle, Ms. Diggins said the Nuclear Regulatory Commission on Rockville Pike has been very successful with less than 50% of employees coming to work alone. Methods used by NRC to encourage alternative transportation include charged parking, mass transit subsidy, preferential parking for car pools, and ready access to METRO.

Responding to a question from Councilmember Robbins, Ms. Diggins indicated expansion of TAP's interests further north of Rockville is not likely, but formation of other TMA's can be expected and close cooperation will be required.

In response to a question by Mr. Abrams on capital improvements needed to improve transportation, Ms. Diggins said TAP would not lobby the City directly, but members as individuals or corporations may come forward with their ideas. Mr. Abrams suggested that in terms of providing information directly to the Mayor and Council for improving the corridor could they provide information directly to the City? Mr. Romer said staff representatives to TAP would embody these recommendations into staff recommendations to the Mayor and Council. TAP and the City should be mutually supportive.

Re: Approval to increase the current price agreement with G.L. Cornell, Inc., Gaithersburg, MD as Sole Source/Requirements Contractor from \$19,000 to \$40,000, for remaining period of FY89 and FY90.

G.L. Cornell is the sole source local provider of equipment parts and specialty repairs for approximately 60 units of grounds maintenance equipment for the Parks Division and Golf Course. On 8/10/88, the City entered into a sole source/requirements contract with G. L. Cornell for a price agreement limit of \$19,000

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to furnish equipment parts and specialty repairs. As of this date, the City has expended all of its \$19,000 price agreement limit and anticipates considerable need for equipment parts and specialty repairs for the remainder of FY89 and FY90.

Staff recommends approval to increase the price agreement limit from \$19,000 to \$40,000 annually for the current contract year and FY90 with G.L. Cornell, Inc. for sole source/requirements contract as needed for equipment parts and specialty repairs. Funding for this increase would come from existing expenditure accounts within the Department of Recreation and Parks.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council voted to approve an increase in the price agreement with G.L. Cornell, Inc. to \$40,000 annually for the current contract year and FY90.

Re: Approval of Sole Source Contract  
for Gypsy Moth Aerial Insecticide  
Spray Control with East Coast  
Helicopter, Inc. of Gettysburg, PA  
in the amount of \$30,000.

East Coast Helicopter was the low bidder and contractor for the 1988 project, providing gypsy moth control services last year for the City and provided a high quality, safe and successful product to the City. East Coast Helicopter, Inc. has agreed to provide the same terms and price per acre for the 1989 contract. Again, the insecticide (B.t.), a natural bacterial microorganism, which is not harmful to humans, animals, fish, and plants, will be used. The per-acre rate for last year and this year is \$30 per acre. It is estimated that approximately 1000 acres will be treated again this spring. The project is funded in the FY89 Recreation and Parks Department budget.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the Mayor and Council voted to approve a sole source contract for gypsy moth aerial insecticide spray control with East Coast Helicopter, Inc. in the amount of \$30,000.



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Re: Award of Bid No. 77-89 for Roof Improvements at Municipal Facilities to Springdale Construction Co., Inc., Baltimore, MD, for the low bid amount of \$168,248.

Proposals were sent to 93 prospective bidders and four bids were received. Bid prices ranged from the low of \$168,248 to \$243,199. The project involves roofing improvements to the Beall-Dawson House slate roof, Civic Center Mansion slate and metal roofs, Rockcrest Center flat roof area changed to a sloped roof, Recreation Services Building flat roof replacement, and Public Works Storage Bay roof replacement. The municipal roof improvement is part of a Capital Improvements Program to rehabilitate facility roofing based on a consultant's study, recommendation, and design. Funds for this project are appropriated in the FY89 Capital Improvements Program. The project budget is \$185,000.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council awarded Bid No. 77-89 for Roof Improvements at Municipal Facilities to Springdale Construction Co., Inc., Baltimore, MD, for the low bid amount of \$168,248.

Re: Award of Bid No. 73-89 for \$25,200 to the low bidder, Pickens & Sons, for the reconstruction of concrete decks at three parks.

The FY 1989 CIP includes \$33,000 for this project at Monument, College Gardens, and Twinbrook parks. The concrete decks are extensively used by citizens and need rehabilitation to improve drainage, usability and safety. The work will replace cracked surfaces and improve safety.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the Mayor and Council awarded Bid No. 73-89 for \$25,200 to the low bidder, Pickens & Sons, for the reconstruction of concrete decks at three parks.

Re: Award of Bid No. 46-89 to low bidder

Tri-M Construction, Inc. of Rockville, in the amount of \$29,232 for the addition of exterior vestibule and automatic doors at Lincoln Park Community Center.

This project involves the design and construction of an approximately 115 sq. ft. vestibule for the front entrance of the Lincoln Park Community Center, plus installation of automatic doors. The addition will reduce conditioned air loss when doors are opened, and provide barrier-free access to the community center. The FY 1989 budget includes \$34,000 for this project.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, the Mayor and Council awarded Bid No. 46-89 to low bidder Tri-M Construction, Inc. of Rockville, in the amount of \$29,232 for the addition of exterior vestibule and automatic doors at Lincoln Park Community Center.

Re: Approval of Resolution to authorize change in signatures for City bank accounts and examination of safety deposit box.

Resolution No. 01-89

The City Manager and the City Clerk/Treasurer are the only authorized signatures for City bank accounts. The City Clerk/Treasurer position will be vacant from February 8 until March 1, 1989. This resolution provides that during this time the only authorized signature for City bank accounts will be the City Manager's.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the Mayor and Council approved Resolution No. 01-89, the full text of which can be found in Resolution Book No. 9 of the Mayor and Council, designating Bruce Romer, City Manager, as the only authorized signature for City bank accounts.

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Re: Adoption of Resolution of the Mayor  
and Council supporting State Program  
Open Space.

This resolution demonstrates Rockville's support of Bill 445 to remove the cap of available funds of Program Open Space that are used for acquisition and construction of parks for local jurisdictions.

Bill 445, which is intended to withdraw the cap on Program Open Space Funds established at the program's inception, is presently before the Maryland General Assembly. Approval of the Bill could double Montgomery County's allotment, which would mean a similar increase to Rockville. The Maryland Recreation and Parks Association is supporting the Bill and plans to air a 30-second commercial to draw public support. Gaithersburg is preparing a resolution for its Mayor and Council for support; 44 State Delegates are among the strong supporters.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, a resolution, the full text of which can be found in Proclamation File 4 of the Mayor and Council, supporting Bill 445, was adopted by the Mayor and Council.

Re: Preliminary Review -- Text Amendment  
Application 93-89, Mayor and Council  
of Rockville, Applicant.

The text amendment would strengthen the service industrial purpose of the I1 Zone by eliminating accessory retailing and allow some additional permitted uses that are compatible with the zone. Section 6-303(b) of the Zoning Ordinance specifies that the Mayor and Council must conduct a preliminary review of a text amendment application before it is processed.

Councilmember Robbins asked for further explanation. Mayor Duncan said staff was asked to review uses in I1 in response to citizen concerns. Councilmember Abrams asked whether any current uses were being deleted that would force current occupants to move out. Larry Owens, Chief Planner, said nothing in the amendment recommends

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current uses be taken out of the zone.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed, Text Amendment Application 93-89 will be sent to the Planning Commission.

Re: Approval of projects and funding levels to be submitted in the Community Development Block Grant application to Montgomery County.

The City is to receive \$280,000 in CDBG funds from Montgomery County in accordance with Federal Requirements. The City has conducted a public hearing to announce the availability of funds and to solicit proposals for their use. Fourteen project proposals were received from the Housing Authority, the City staff, and from nonprofit organizations. Those proposals were evaluated by staff and recommendations were made for funding.

Mayor Duncan asked for an explanation for the recommendation on Victory House, requesting \$150,000 for frail elderly. Mr. Duffy said the request was not recommended because of limited funds and requirements to use federal wage scales which drive up construction costs. Staff recommends the use of Special Community Development funds from the sale of Town Center land. Councilmember Abrams suggested separate consideration of the Victory Housing request with a full presentation to the Mayor and Council at a later date. The Mayor and Council agreed and asked staff to schedule the presentation.

Councilmember Coyle questioned recommendations on the Helping Hands shelter request for \$15,000 which was reduced to \$5,000 and Stepping Stones which is not receiving any funds under the recommendations. Stepping Stones funding is recommended for consideration as part of regular budget review. They have indicating a willingness to submit a funding request. Previous funds for painting were paid from CDBG. Helping Hands shelter is provided by Mt. Calvary Baptist Church. Reductions could be addressed

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during a regular budget session. Councilmember Coyle questioned whether garden sidewalks, which are recommended for funding, are a better use of money. Mr. Duffy said this was a public improvement, which is different from public services that are limited to 15% of funds.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, the Mayor and Council approved the staff recommendations.

Re: Approval of fees for the Redgate  
Golf Course effective April 1, 1989  
through March 31, 1990.

Operating in an enterprise fashion, the Redgate Golf Course must cover its operating costs and preferably should contribute to its own renovation and improvement fund. For the past five years, Redgate has been successful in both goals through modest fee increases and has remained competitive with other jurisdictions' golf courses. A fee increase of \$.50 to \$1.00 per round is necessary to cover additional and increasing budgetary concerns and to continue the renovation and improvements program; these fees are comparable to other public courses in the county.

Councilmember Coyle asked whether increased fees would be discouraging to golfers. Mr. Evans said that the proposed rates are lower than or equal to others. Being slightly higher or cheaper does not have a big impact on play. Mrs. Hovsepian commended the golf course staff for the rate of completing the improvements to the course.

Upon motion of Councilmember Abrams, duly seconded and unanimously passed, the Mayor and Council approved an increase of \$1.00 per round at Redgate Golf Course and \$.50 per round for senior and youth effective April 1, 1989 through March 31, 1990.

Re: Approve Swim Center membership and  
program fees for FY 1990.

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The staff is recommending an approximate 15% increase in membership fees. This increase in fees is directly related to the increase in services which will be provided with the addition of the new outdoor fitness pool. In addition, it is recommended that fees be raised \$2 for all classes.

Councilmember Robbins expressed concern about fees discouraging participation. The admission pass is unique to the City pool and particularly discouraging for the very occasional swimmer who does not want to pay \$82 per year to gain the right to pay a daily admission fee. Councilmember Robbins suggested that season rates be raised to cover the amount brought in by the admission pass. He proposed deferring action on the fee structure pending further information. Mr. Romer agreed that the questions need clear answers which the staff was not available to provide. Staff will report at next meeting. Mr. Abrams said that the staff should also consider whether designing the fee structure to permit daily user fees would discourage regular members. He noted debt payment is based on very optimistic membership expectations.

The item was withheld to the February 27th meeting

Re: Instructions to Staff - Application  
to Close and Abandon Public Way SCA-  
56-88, American Machine Tool  
Distributor's Association,  
Applicant.

The applicant will be undertaking site modifications at 1335 Rockville Pike in order to provide additional parking for new tenants. As part of the modifications, the service drive will be relocated to achieve a better alignment with developments north and south of the site. The subject easement was dedicated about 20 years ago; however, the driveway was never constructed within the easement. With the construction of a relocated service drive, the existing easement will not be utilized and can be abandoned.

Upon motion of Councilmember Hovsepian, duly seconded and unanimously passed,

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the Mayor and Council directed staff to prepare an Ordinance to abandon the subject easement.

Re: FYI

1. Regarding the February 6th FYI, Councilmember Hovsepian questioned the Maximum Expansion Limits. If Rockville signs with Montgomery County, what is the next step? Mayor Duncan said that he has asked the staff for a full briefing at the Feb. 27th meeting.

2. Councilmember Hovsepian also referred to the February 6th FYI item concerning surplus school sites and asked about the status of the site adjacent to New Mark Commons. Mayor Duncan indicated that it was sold to Tower-Oakes Development.

3. Councilmember Hovsepian noted the correspondence from February 6th in which constituents congratulated Lisa Williams, Assistant Sport Supervisor, for her work with the soccer league. The Mayor and Council added their congratulations.

4. Councilmember Coyle remarked that the correct figure for the state bill for the Rockville Arts Place is \$500,000.

5. Councilmember Coyle added that income tax assistance is available at City Hall and encouraged citizens to call for an appointment for assistance. He commended Stan Seeman for coordinating the program.

6. Councilmember Coyle also thanked the City Manager for support at Hurley and Route 28 which has improved traffic congestion at this intersection. Mr. Romer said that the police presence is one of several factors contributing to the improvement.

Re: New Business

1. Councilmember Abrams discussed truck traffic on Watts Branch Parkway; Mr. Romer noted that the number of trucks on the parkway has decreased.

2. Councilmember Abrams had questions about Cable TV construction. Potomac Springs has gotten the necessary easements, now who do they contact in the City to get

approval to cut streets? What other assistance is needed from the City? One or two lots are dedicated for SWM; can the City permit cable construction? Councilmember Abrams commented that the City should provide whatever assistance possible to get cable construction going.

3. Regarding Second Genesis, Councilmember Abrams questioned what City assistance is needed to keep the program going? Can Rockville provide alternative facilities or operating funds. Mayor Duncan noted that they need County funding to keep operating.

4. Councilmember Abrams brought up the housing policy. Staff is preparing accessory apartment text amendment. Should it also allow apartments in residential zones in dwellings that are not owner occupied? Accessory apartments allow two residences in one facility. Mr. Kuckkahn, Director of Planning, said that the current ordinance permits renting to no more than 2 people who share all facilities. Councilmember Abrams asked if a non-owner occupied the facility could it be converted to an accessory apartment. He further asked about the scheduling of the text amendment on accessory apartment amendment worksession. Mr. Romer said staff did not understand the Mayor and Council to have requested an amendment on accessory apartments. Staff is preparing comments on the issue of accessory apartments.

5. Councilmember Coyle asked when construction is scheduled on the Scott Drive bridge. Design was completed two years ago. A head-on collision recently brought up the need to complete construction. Staff will provide an update.

6. Councilmember Abrams commented that an update is also needed on the wetlands. Mr. Romer said that additional information has been submitted to the state and the indication is that this will take a couple of weeks for a positive response. He added that the staff would be developing a mitigation program for Mayor and Council review.



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7. Mayor Duncan requested the dates of the Safeway closing.

8. Mayor Duncan mentioned that a drop-in visitor recently asked if the medical practioners section of the home occupancy ordinance could be amended to permit electrology. The Mayor asked staff to review and make recommendations. He also suggested a possible generic review of the home occupation ordinance.

Re: Executive Session

On motion of Councilmember Abrams, duly seconded and unanimously passed, the Mayor and Council convened in Executive Session in the City Manager's Conference Room, Rockville City Hall at 9:30 p.m. to discuss matters relating to property concerns with counsel.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 10:45 p.m. to convene again in Work Session at 7:30 p.m. on February 21, 1989 or at the call of the Mayor.